

EXHIBIT 27

EXHIBIT 27

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 Case No. 17-cv-00939-WHA

5 -----x

6 WAYMO LLC,

7 Plaintiff,

8 - against -

9 UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;
10 OTTO TRUCKING LLC,

11 Defendants.

12 -----x

13
14 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

15
16 Videotaped 30(b)(6) Deposition
17 of GARY BROWN, taken by Defendants, held
18 at the offices of Morrison & Foerster LLP,
19 250 West 55th Street, at 9:59 a.m. on August
20 8, 2017, New York, New York, before Jineen
21 Pavesi, a Registered Professional Reporter,
22 Registered Merit Reporter, Certified Realtime
23 Reporter and Notary Public of the State of New York.

24 Job No. 2671217A

25 Pages 1 - 305

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	A.	That is correct.	10:49:45AM
2	Q.	Are there any other	10:49:45AM
3		administrators?	10:49:46AM
4	A.	Not that I know of.	10:49:51AM
5	Q.	Has Mr. Brown been the	10:49:54AM
6		administrator of the SVN log since January	10:49:56AM
7		of 2015?	10:50:02AM
8	A.	I don't believe so.	10:50:05AM
9	Q.	Who has been the administrator	10:50:09AM
10		of the SVN log from January 2015 forward,	10:50:10AM
11		if not Mr. Brown?	10:50:14AM
12	A.	Sasha Zbrozek was the previous	10:50:20AM
13		administrator.	10:50:22AM
14	Q.	And when was Sasha the	10:50:26AM
15		administrator for the SVN log?	10:50:30AM
16	A.	I believe from the inception of	10:50:38AM
17		the server in early 2015 through the	10:50:39AM
18		summer, June or July, 2015 -- sorry, no,	10:50:46AM
19		June, July 2016.	10:50:55AM
20	Q.	And after June or July of 2016,	10:51:00AM
21		Mr. Jack Brown took on responsibilities	10:51:03AM
22		for administering the SVN log, is that	10:51:06AM
23		correct?	10:51:10AM
24	A.	That is correct.	10:51:10AM
25	Q.	You do not have access to the	10:51:22AM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	SVN log in the ordinary course of	10:51:23AM
2	business, is that correct?	10:51:25AM
3	MR. BAKER: Objection to form.	10:51:29AM
4	A. That is correct.	10:51:31AM
5	Q. So as part of Waymo's	10:51:34AM
6	investigation, someone gave you a copy of	10:51:35AM
7	the SVN log, is that correct?	10:51:37AM
8	A. That is correct.	10:51:41AM
9	Q. And that person, the person who	10:51:44AM
10	gave you a copy of the SVN log was	10:51:46AM
11	Mr. Jack Brown, correct?	10:51:49AM
12	A. No.	10:51:53AM
13	Q. Who gave you a copy of the SVN	10:51:54AM
14	log?	10:51:56AM
15	MR. BAKER: I am going to	10:52:00AM
16	caution the witness not to reveal the	10:52:00AM
17	substance of any attorney-client	10:52:03AM
18	communication, but you can give a name.	10:52:04AM
19	A. Tom Gorman.	10:52:07AM
20	Q. When did Mr. Gorman give you	10:52:08AM
21	the SVN log?	10:52:10AM
22	MR. BAKER: You can give a	10:52:11AM
23	date.	10:52:12AM
24	A. February 21st, 20th or 21st,	10:52:13AM
25	2017.	10:52:25AM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 any other person's activity -- strike 11:05:42AM
2 that. 11:05:46AM
3 Did the log contain records of 11:05:46AM
4 activity from somebody other than 11:05:51AM
5 Mr. Levandowski? 11:05:53AM
6 A. I believe so. 11:06:00AM
7 Q. What other activity did the log 11:06:04AM
8 reflect? 11:06:08AM
9 MR. BAKER: And I don't want 11:06:15AM
10 you to reveal the substance of any 11:06:15AM
11 attorney-client communications. 11:06:17AM
12 THE WITNESS: Sure. 11:06:20AM
13 A. My focus was one user's 11:06:20AM
14 activity, I was not looking for other 11:06:24AM
15 users' activity, that was not the task at 11:06:26AM
16 hand. 11:06:29AM
17 Q. How do you know that the log 11:06:32AM
18 contained records of activity from 11:06:34AM
19 somebody other than Mr. Levandowski? 11:06:36AM
20 A. I believe I saw lines floating 11:06:40AM
21 by when I cat or catenate the contents 11:06:42AM
22 into a terminal, but from then on it was 11:06:53AM
23 solely we call grep-ing, focusing on 11:06:57AM
24 single user's activity, and then I think 11:07:00AM
25 awk-ing, which is another tool, to sum up, 11:07:10AM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	retired or refurbished and redeployed if	12:15:37PM
2	deemed still within its life span.	12:15:44PM
3	Q. Waymo performed no forensic	12:15:51PM
4	investigation into the Hewlett-Packard	12:15:52PM
5	workstation assigned to Mr. Levandowski	12:15:55PM
6	for an over three-year period during his	12:15:58PM
7	employment at Waymo, is that correct?	12:16:00PM
8	MR. BAKER: Objection to form.	12:16:02PM
9	A. That is correct.	12:16:07PM
10	Q. The Hewlett-Packard workstation	12:16:11PM
11	assigned to Mr. Levandowski from 2012 to	12:16:13PM
12	2016 is a computer -- is it a desktop	12:16:19PM
13	computer?	12:16:26PM
14	A. It appears to be, yes.	12:16:27PM
15	Q. And that would have existed in	12:16:28PM
16	his office at Waymo, right?	12:16:31PM
17	A. Presumably.	12:16:34PM
18	Q. And it would have been	12:16:35PM
19	something he used in the three-and-a-half	12:16:36PM
20	year period that it was assigned to him in	12:16:40PM
21	his office at Waymo, correct?	12:16:43PM
22	MR. BAKER: Objection to form.	12:16:44PM
23	A. Possibly, but not necessarily.	12:16:46PM
24	Q. But you don't know one way or	12:16:51PM
25	the other if he used it?	12:16:52PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	A.	No.	12:16:53PM
2	Q.	And nobody asked you to	12:16:54PM
3		inquire, to conduct a forensic review of	12:16:58PM
4		that device to determine if he did	12:17:00PM
5		anything improper with it, correct?	12:17:07PM
6	A.	That is correct, but with the	12:17:13PM
7		caveat that the lack of analysis of	12:17:17PM
8		another machine does not wash away the	12:17:22PM
9		wrongdoings on another machine, that's no	12:17:25PM
10		indication of not doing something.	12:17:28PM
11	Q.	In order to determine the full	12:17:35PM
12		scope of potential wrongdoing, in your	12:17:39PM
13		opinion should Waymo have conducted a	12:17:43PM
14		forensic investigation of the	12:17:46PM
15		Hewlett-Packard workstation?	12:17:47PM
16		MR. BAKER: Objection to form.	12:17:49PM
17	A.	All feasible rocks should be	12:17:57PM
18		turned over, but there have been multiple	12:18:02PM
19		occurrences where inventory management	12:18:07PM
20		personnel reimaged devices before forensic	12:18:12PM
21		analysis could take place.	12:18:18PM
22	Q.	And in your opinion, one	12:18:22PM
23		feasible rock that should have been turned	12:18:29PM
24		over was a review of the Hewlett-Packard	12:18:30PM
25		workstation assigned to Mr. Levandowski,	12:18:34PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 is that correct? 12:18:37PM

2 MR. BAKER: Objection to form. 12:18:37PM

3 A. As a forensic analyst, the more 12:18:42PM

4 information, the better. 12:18:44PM

5 But as I said before, it 12:18:47PM

6 doesn't undo other indicators that were 12:18:50PM

7 positively found. 12:18:55PM

8 Q. As a forensic analyst, wouldn't 12:19:02PM

9 you want to know if the card reader was 12:19:07PM

10 attached to the workstation? 12:19:09PM

11 MR. BAKER: Objection to form. 12:19:11PM

12 A. Yes. 12:19:18PM

13 Q. But you don't know the answer 12:19:19PM

14 to that question, right? 12:19:21PM

15 A. Not currently. 12:19:24PM

16 Q. Waymo would never know the 12:19:26PM

17 answer to that question, correct? 12:19:29PM

18 MR. BAKER: Objection to form. 12:19:31PM

19 A. That's uncertain. 12:19:43PM

20 Q. Why is that uncertain? 12:19:45PM

21 A. Depending on retention and host 12:19:50PM

22 monitoring agents, it could potentially be 12:20:00PM

23 determined whether some classes of USB 12:20:08PM

24 devices were connected to these machines, 12:20:12PM

25 but I also would not feel comfortable 12:20:16PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	saying that an absence of this evidence	12:20:19PM
2	means that it didn't happen.	12:20:22PM
3	Q. But you don't know one way or	12:20:25PM
4	the other if it happened?	12:20:27PM
5	A. As I sit here today, no.	12:20:28PM
6	MR. BAKER: Objection to form.	12:20:29PM
7	Q. Sorry, I didn't catch your	12:20:30PM
8	answer to that question.	12:20:31PM
9	A. As I sit here right now, no.	12:20:32PM
10	Q. And Waymo doesn't know one way	12:20:35PM
11	or the other if a card reader was attached	12:20:37PM
12	to the workstation, correct?	12:20:40PM
13	MR. BAKER: Same objection.	12:20:42PM
14	A. No.	12:20:43PM
15	Q. Has Waymo attempted to conduct	12:20:56PM
16	any forensic investigation into the	12:20:58PM
17	Hewlett-Packard workstation since it was	12:21:00PM
18	reassigned to Jerry Anderson?	12:21:04PM
19	A. I don't believe so.	12:21:13PM
20	Q. So --	12:21:18PM
21	A. And also, so these machines are	12:21:19PM
22	full disk encrypted, that is to say, as	12:21:24PM
23	they are reimaged and redeployed there is	12:21:26PM
24	no evidence left on the hard drive, much	12:21:31PM
25	like when you take your Windows laptop and	12:21:33PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	Do you see that?	04:26:18PM
2	A. I do.	04:26:19PM
3	Q. Do you understand that to mean	04:26:21PM
4	that all the other SVN log data, except	04:26:24PM
5	for Mr. Levandowski's download of December	04:26:30PM
6	11, 2015, is gone?	04:26:34PM
7	MR. BAKER: Objection to form.	04:26:38PM
8	A. That's a distinct possibility.	04:26:42PM
9	And if it is true, then I also	04:26:45PM
10	misspoke earlier when I said that the log	04:26:47PM
11	probably contained other people's things,	04:26:52PM
12	too.	04:26:55PM
13	Q. So if Mr. Nardinelli's	04:26:57PM
14	statement is correct, your testimony on	04:26:59PM
15	behalf of Waymo was inaccurate, correct?	04:27:01PM
16	A. It is possible.	04:27:04PM
17	MR. BAKER: Objection to form.	04:27:05PM
18	A. Also, as a professional log	04:27:09PM
19	diver, I'll call myself, when we're doing	04:27:13PM
20	investigations, we don't keep things that	04:27:17PM
21	are not deemed explicitly relevant for	04:27:24PM
22	what we are trying to prove.	04:27:26PM
23	It is bad data stewardship, it	04:27:31PM
24	takes up space, and it makes noise.	04:27:34PM
25	Q. What were you asked to prove	04:27:36PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	here?	04:27:38PM
2	MR. BAKER: Objection, I am	04:27:39PM
3	going to caution you not to reveal the	04:27:43PM
4	substance of any attorney-client	04:27:44PM
5	communications.	04:27:46PM
6	If you can answer that question	04:27:46PM
7	without doing that, please do.	04:27:48PM
8	A. I did not pull the SVN log	04:27:52PM
9	data, I'm just speaking to the frame of	04:27:55PM
10	mind of why the entirety of all users'	04:27:56PM
11	logs may not be present.	04:28:04PM
12	For example, in what I've	04:28:05PM
13	produced to support my declaration, I'm	04:28:07PM
14	not pulling and presenting the bit9 logs	04:28:10PM
15	of any of a hundred thousand other Google	04:28:13PM
16	employees because it is simply not	04:28:16PM
17	relevant to the investigation at hand.	04:28:18PM
18	Q. That wasn't my question.	04:28:20PM
19	What were you being asked to	04:28:25PM
20	prove as part of your forensic	04:28:26PM
21	investigation?	04:28:27PM
22	MR. BAKER: Same instruction	04:28:27PM
23	and also objection to the form.	04:28:28PM
24	A. These logs showed that 14,000	04:28:33PM
25	files and change were downloaded on	04:28:36PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	December 11th from an IP address that	04:28:39PM
2	could be traced to Mr. Levandowski's work	04:28:42PM
3	computer.	04:28:44PM
4	Q. When were you asked to prove	04:28:44PM
5	that?	04:28:45PM
6	MR. BAKER: Objection to form.	04:28:50PM
7	A. Sometime between August and	04:28:51PM
8	October 2016.	04:28:53PM
9	Q. Why didn't you look at the SVN	04:28:57PM
10	log data when you were first engaged in	04:28:59PM
11	the investigation in February or March of	04:29:01PM
12	2015 -- sorry, of 2016?	04:29:02PM
13	A. I did not know it existed.	04:29:14PM
14	Q. Wouldn't it be important for	04:29:15PM
15	you as a person involved with incident	04:29:17PM
16	responses to know where the various data	04:29:18PM
17	repositories were?	04:29:20PM
18	MR. BAKER: Objection to form.	04:29:26PM
19	A. It would.	04:29:26PM
20	Q. Did you ask anybody are there	04:29:28PM
21	any unusual places people store important	04:29:29PM
22	information?	04:29:32PM
23	A. We did.	04:29:35PM
24	Q. And who did you talk to?	04:29:36PM
25	A. Various people that were in	04:29:46PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 record. 04:53:11PM

2 I think after the deck, started 04:53:12PM

3 doing things like this. 04:53:19PM

4 Q. Going back to the syslogs, are 04:53:24PM

5 syslogs available on the W and G laptops? 04:53:25PM

6 A. Both laptops you mean? 04:53:34PM

7 Q. Yes. 04:53:35PM

8 A. I'll reference 1312, you can 04:53:46PM

9 see in this timeline for the G laptop, we 04:53:54PM

10 do site syslogs multiple times, 16th of 04:53:57PM

11 October 2015, the 26th of January 2016, 04:54:02PM

12 31st of January 2016, and then for the O 04:54:07PM

13 laptop, Windows does not write to the same 04:54:13PM

14 syslog sources -- 04:54:15PM

15 Q. So the answer is yes, that 04:54:20PM

16 there are some indications of syslogs? 04:54:22PM

17 A. Yes. 04:54:24PM

18 MR. BAKER: Objection. 04:54:25PM

19 MS. GOODMAN: Let's mark this 04:54:27PM

20 as the next exhibit. 04:54:30PM

21 (Exhibit 1318, screen shot of 04:54:30PM

22 an item from WAYMO-UBER 26477, was marked 04:54:30PM

23 for identification, as of this date.) 04:54:55PM

24 Q. This is another screen shot of 04:54:55PM

25 an item from WAYMO-UBER 26477 and this 04:54:57PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	and enter HTTPS colon, slash slash	05:57:51PM
2	yakshaves dot com slash SVN slash	05:58:06PM
3	Chauffeur-SVN.	05:58:13PM
4	Do you see that?	05:58:15PM
5	A. I do.	05:58:17PM
6	Q. Have you tried to access the	05:58:24PM
7	Subversion website yourself to see how it	05:58:27PM
8	works?	05:58:30PM
9	A. I have not, as I don't have a	05:58:31PM
10	business need to access those files.	05:58:33PM
11	Q. Would it have been important	05:58:49PM
12	for you to know how it works in offering	05:58:50PM
13	your opinions?	05:58:53PM
14	A. From -- I asked the	05:58:57PM
15	administrator my burning questions about	05:59:07PM
16	it, but as I said before, I had no	05:59:09PM
17	business need to touch those files and	05:59:13PM
18	would rather not play with live high value	05:59:16PM
19	data and get it onto my workstation.	05:59:20PM
20	That kind of speaks to what I	05:59:26PM
21	mentioned before, data access policies.	05:59:29PM
22	Q. Do you know what happens when	05:59:38PM
23	you follow this instruction in No. 3?	05:59:40PM
24	A. I would imagine it connects you	05:59:56PM
25	to the SVN.	05:59:58PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	Q.	What does SVN check out to?	06:00:03PM
2	A.	Presumably downloads what has	06:00:13PM
3		been selected for check-out.	06:00:16PM
4	Q.	Here what they give is the full	06:00:18PM
5		directory, right?	06:00:21PM
6	A.	That seems plausible.	06:00:30PM
7	Q.	So the instructions here say	06:00:32PM
8		SVN check-out and then you enter the full	06:00:34PM
9		directory, yakshaves dot com SVN Chauffeur	06:00:37PM
10		SVN?	06:00:44PM
11	A.	I inquired about this yesterday	06:00:47PM
12		and what I was told is that you choose	06:00:48PM
13		what projects to, I think Jack used the	06:01:01PM
14		term, subscribe to, and then I asked if	06:01:08PM
15		you could accidentally just download the	06:01:14PM
16		whole thing and he replied unlikely.	06:01:18PM
17	Q.	These instructions don't tell	06:01:26PM
18		you to identify particular directories,	06:01:28PM
19		right?	06:01:29PM
20	A.	They don't appear to, no.	06:01:30PM
21	Q.	And Mr. Brown was not the	06:01:31PM
22		administrator when Anthony Levandowski	06:01:33PM
23		worked on Project Chauffeur, right?	06:01:35PM
24	A.	I believe that is accurate.	06:01:38PM
25	Q.	Does he -- did Mr. Brown say	06:01:39PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 he had any conversation with Mr. Zbrozek 06:01:42PM
2 about any particularized instructions that 06:01:45PM
3 he might be giving? 06:01:48PM
4 A. That did not come up. 06:01:51PM
5 Q. What was his last name, Jack? 06:01:53PM
6 A. Brown, like me. 06:01:57PM
7 Q. That's what's confusing, you're 06:01:59PM
8 Mr. Brown. 06:02:01PM
9 Did Mr. Jack Brown tell you he 06:02:02PM
10 had ever talked to Anthony Levandowski 06:02:05PM
11 about how to use the Chauffeur SVN system? 06:02:06PM
12 A. That did not come up. 06:02:11PM
13 Q. Did you ask him? 06:02:12PM
14 A. No. 06:02:15PM
15 Q. Did you ever talk to 06:02:16PM
16 Mr. Zbrozek about conversations he might 06:02:19PM
17 have had with Mr. Levandowski about how to 06:02:21PM
18 use the SVN? 06:02:23PM
19 A. No. 06:02:23PM
20 Q. We can go back to Exhibit 1312, 06:02:26PM
21 who is Kiddi, K-I-D-D-I? 06:02:36PM
22 A. Kristinn Gudjonsson. 06:02:39PM
23 Q. Who is some guy I know? 06:02:43PM
24 A. (Indicating.) 06:02:45PM
25 Q. Why did you pick that name? 06:02:46PM

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 C E R T I F I C A T I O N

2

3 I, Jineen Pavesi, a Registered
4 Professional Reporter, Registered Merit
5 Reporter, Certified Realtime Reporter and
6 a Notary Public, do hereby certify that
7 the foregoing witness, GARY BROWN, was
8 duly sworn on the date indicated, and that
9 the foregoing is a true and accurate
10 transcription of my stenographic notes.

11 I further certify that I am not employed
12 by nor related to any party to this
13 action.

14

15

16

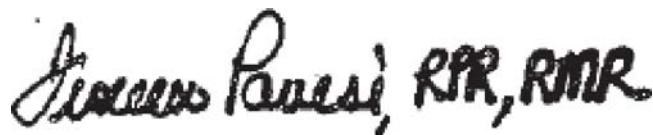
17

18

19

20

21

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is cursive and fluid, with "Jineen Pavesi" on the top line and "RPR, RMR" on the bottom line.

22

23 JINEEN PAVESI, RPR, RMR, CRR

24

25